

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA**

**Cheryl Dean Riley**  
Clerk of Court

**OFFICE OF THE CLERK OF COURT  
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**Michelle Widmer-Eby**  
Chief Deputy Clerk

December 30, 2021

Via CM/ECF  
United States of America  
c/o Laura A. Thoms  
Laura A. Thoms  
US Dept of Justice - Environmental Enforcement Section  
PO Box 7611  
601 D Street, NW  
Washington, DC 20044-7611  
and  
Helen Campbell Altmeyer  
U.S. Attorney's Office - Whg  
PO Box 591  
Wheeling, WV 26003  
and  
Joshua Van Eaton  
US Dept of Justice - Environmental Enforcement Section  
PO Box 7611  
Washington, DC 20044-7611

Via CM/ECF  
State of West Virginia  
c/o Charles Scott Driver, III  
WV Dept. of Environmental Protection  
Office of Legal Services  
601 57th Street  
Charleston, WV 25304

500 West Pike Street, Room 301  
Clarksburg, WV 26302  
(304) 622-8513

P.O. Box 1518  
Elkins, WV 26241  
(304) 636-1445

217 W. King Street, Room 102  
Martinsburg, WV 25401  
(304) 267-8225

Via U.S. Mail  
Exxon Mobil Corporation  
c/o Steven M. Jawetz  
Beveridge & Diamond, PC  
1350 I Street NW, Suite 700  
Washington, DC 20005

Re: United States of America v. Exxon Mobil Corporation  
Civil Action No. 1:18-cv-00195

Dear United States of America, State of West Virginia, and Exxon Mobil Corporation,

I have been contacted by District Court Judge, Thomas S. Kleeh, who presided over the above-mentioned case. Judge Kleeh informed me that he has learned that while he presided over the case, his retirement fund contained stock in Exxon Mobil Corporation, a party to this litigation. This stock ownership neither affected nor impacted his decisions in this case, which was dismissed as part of a Consent Decree in favor of the United States entered on March 21, 2019. However, this stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Kleeh directed that I notify the parties of this conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the

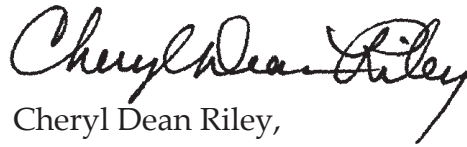
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judge was disqualified.” With Advisory Opinion 71 in mind, you are invited to respond to Judge Kleeh’s disclosure of a conflict in this case. Should you wish to respond, please submit your response in writing by filing it on the docket of this case on or before **January 14, 2022**. Any response will be considered by another judge of this court without the participation of Judge Kleeh.

Sincerely,

A handwritten signature in black ink that reads "Cheryl Dean Riley". The signature is written in a cursive, flowing style.

Cheryl Dean Riley,  
Clerk of Court